

House Study Bill 171

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON PAULSEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to license revocations for repeat operating=
2 while=intoxicated offenders.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1661YC 81
5 rh/pj/5

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1 1 Section 1. Section 321J.4, subsections 2 and 4, Code 2005,
1 2 are amended to read as follows:
1 3 2. If a defendant is convicted of a violation of section
1 4 321J.2, and the defendant's driver's license or nonresident
1 5 operating privilege has not already been revoked under section
1 6 321J.9 or 321J.12 for the occurrence from which the arrest
1 7 arose, the department shall revoke the defendant's driver's
1 8 license or nonresident operating privilege for two years if
1 9 the defendant has had a previous conviction or revocation
1 10 under this chapter. The defendant shall not be eligible for
1 11 any temporary restricted license for the lesser of one year or
1 12 the minimum period of suspension required by federal law to

1 13 receive federal transportation funding after the effective
1 14 date of revocation. The defendant shall be ordered to install
1 15 an ignition interlock device of a type approved by the
1 16 commissioner of public safety on all vehicles owned by the
1 17 defendant if the defendant seeks a temporary restricted
1 18 license at the end of the minimum period of ineligibility. A
1 19 temporary restricted license shall not be granted by the
1 20 department until the defendant installs the ignition interlock
1 21 device.

1 22 4. Upon a plea or verdict of guilty of a third or
1 23 subsequent violation of section 321J.2, the court shall order
1 24 the department to revoke the defendant's driver's license or
1 25 nonresident operating privilege for a period of six years.
1 26 The defendant shall not be eligible for a temporary restricted
1 27 license for at least the lesser of one year or the minimum
1 28 period of suspension required by federal law to receive

1 29 federal transportation funding after the effective date of the
1 30 revocation. The court shall require the defendant to
1 31 surrender to it all Iowa licenses or permits held by the
1 32 defendant, which the court shall forward to the department
1 33 with a copy of the order for revocation. The defendant shall
1 34 be ordered to install an ignition interlock device of a type
1 35 approved by the commissioner of public safety on all vehicles
2 1 owned by the defendant if the defendant seeks a temporary
2 2 restricted license at the end of the minimum period of
2 3 ineligibility. A temporary restricted license shall not be
2 4 granted by the department until the defendant installs the
2 5 ignition interlock device.

2 6 Sec. 2. Section 321J.9, subsection 2, paragraph a, Code
2 7 2005, is amended to read as follows:

2 8 a. A person whose driver's license or nonresident
2 9 operating privileges are revoked under subsection 1, paragraph
2 10 "a", shall not be eligible for a temporary restricted license
2 11 for at least ninety days after the effective date of the
2 12 revocation. A person whose driver's license or nonresident
2 13 operating privileges are revoked under subsection 1, paragraph
2 14 "b", shall not be eligible for a temporary restricted license
2 15 for at least the lesser of one year or the minimum period of
2 16 suspension required by federal law to receive federal
2 17 transportation funding after the effective date of the
2 18 revocation.

2 19 Sec. 3. Section 321J.12, subsection 1, paragraph b, Code
2 20 2005, is amended to read as follows:

2 21 b. ~~One~~ The lesser of one year or the minimum period of
2 22 suspension required by federal law to receive federal
2 23 transportation funding if the person has had a previous
2 24 revocation under this chapter.

2 25 Sec. 4. Section 321J.12, subsection 2, paragraph d, Code
2 26 2005, is amended to read as follows:

2 27 d. A person whose license or privileges have been revoked
2 28 under subsection 1, paragraph "b", ~~for one year~~ shall not be
2 29 eligible for any temporary restricted license for the lesser
2 30 of one year or the minimum period of suspension required by
2 31 federal law to receive federal transportation funding after
2 32 the effective date of the revocation, and the person shall be
2 33 ordered to install an ignition interlock device of a type
2 34 approved by the commissioner of public safety on all vehicles
2 35 owned or operated by the defendant if the defendant seeks a
3 1 temporary restricted license at the end of the minimum period
3 2 of ineligibility. A temporary restricted license shall not be
3 3 granted by the department until the defendant installs the
3 4 ignition interlock device.

3 5 EXPLANATION

3 6 This bill relates to license revocations for repeat
3 7 offenders of Iowa's operating=while=intoxicated law.

3 8 The bill provides that a defendant previously convicted of
3 9 a violation of Code section 321J.2, Iowa's operating=while=
3 10 intoxicated law, shall not be eligible for a temporary
3 11 restricted license for the lesser of one year or the minimum
3 12 period of suspension required by federal law.

3 13 The bill provides that a person, including a person under
3 14 the age of 21, who refuses to submit to chemical testing under
3 15 Code section 321J.9, and who has had a previous revocation
3 16 under Code section 321J.2 or 321J.2A, shall not be eligible
3 17 for a temporary restricted license for the lesser of one year
3 18 or the minimum period of suspension required by federal law.

3 19 The bill provides that a person who is in violation of Code
3 20 section 321J.2, who fails a chemical test under Code section
3 21 321J.12, and who has had a previous revocation under Code
3 22 section 321J.2, shall not be eligible for a temporary
3 23 restricted license for the lesser of one year or the minimum
3 24 period of suspension required by federal law to receive
3 25 federal transportation funding.

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